



**REGULAR MEETING
MINUTES
for
Wednesday, November 10, 2004
4:00 P.M. – Council Chamber Boardroom
and
5:30 P.M. - Art Pick Council Chambers
3900 Main Street, Riverside, CA**

CASE REVIEW – 4:00 P.M

1) Roll Call

Present: Commissioners Brewer, Davidson, Corral, Gardner, Huerta (4:41), Percy, Ward, and Quinto

Absent: Commissioner Garcia

2) Public Comment

There were no public comments.

3) Closed Session – Case Reviews

Pursuant to Government Code Section 54957, the Commission adjourned to Closed Session at 4:11 p.m. to discuss issues pertaining to PUBLIC EMPLOYEE PERSONNEL MATTERS.

<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>	<u>CPRC CASE NO.</u>	<u>IA CASE NO.</u>
1) 03-079	PC-03-297-278	8) 04-050	PC-04-215-265
2) 04-003	PC-04-019-175	9) 04-051	PC-04-215-267
3) 04-013	PC-04-051-215	10) 04-052	PC-04-210-121
4) 04-038	PC-04-154-139	11) 04-055	PC-04-215-308
5) 04-044	PC-04-188-107	12) 04-060	PC-04-253-125
6) 04-047	PC-04-194-271	13) 04-069	PC-04-255-058
7) 04-048	PC-04-191-246		

The Commission recessed at 5:24 p.m. to reconvene in the Council Chambers at 5:30 p.m.

OPEN SESSION 5:30 P.M.

The following proceedings have been digitally recorded.
For copies, please call the CPRC office at (951) 826-5509.

Chairman Gardner led in the Pledge of Allegiance. Chairman Gardner asked Ms. Sherron to confirm commissioner attendance.

Roll Call

Present: Commissioners Brewer, Davidson, Corral, Gardner, Huerta, Percy, Ward, and Quinto

Absent: Commissioner Garcia

4) Approval of Minutes

Commissioner Huerta moved to approve the minutes for the October regular meeting with a correction to the sixth paragraph of the third page (CPRC – 04-61) of the minutes to read “the RPOA’s” instead of “the Department’s.” Commissioner Corral seconded the motion. The motion passed 7 for, 0 against, 1 abstention.

5) Executive Director’s Report & Comments

Mr. Williams reported to the Commission on several items.

- He advised the Commission that, because the City Council initiates litigation, the City Attorney will present the Stokes case subpoena issue to the City Council on November 16 to initiate the next step.
- Measure GG passed, which effects the way boards and commissions are staffed. Mr. Williams said that
 - he went to a meeting on November 8th regarding the implementation of the amendment and that there were no strong feelings one way or the other;
 - the City Clerk will make a report to the Mayor's Nominating and Screening Committee;
 - he was told that the charter is not effective until received by the Secretary of State, which should be in December or January;
 - all commissions will be out of compliance until a decision is made about how to implement the amendment;
 - the CPRC has no one from Ward 6;
 - if attrition is allowed, Commissioner Gardner could be replaced in that manner or he could be replaced early;
 - it isn't known how it will be done, but no one wants to start over;
 - a fix is not that difficult.
- Mr. Williams said that officer elections would be taking place in the near future and that the new officers will take office at the first meeting after March 1st. He said he would like to have nominations at the first meeting in January.

6) Commissioner’s Comments

Commissioner Quinto said that she was asked to participate on an RPD interview panel for captain, which she found interesting and educational. She said there were two interview panels: a technical panel and a citizen panel. She said that one of the questions asked was if the officer feel it was beneficial for the

CPRC to become part of the city charter and why. Commissioner Quinto said that some candidates could see that collaboration could occur between RPD and CPRC, but that was not the opinion of everyone. She said she would like to see the officers better informed. She said she was surprised at some of the answers as there were more perceptions regarding the CPRC than facts and gave the example that 'the Commission is too expensive' to which she asked 'in relation to what.' She said she feels there were great candidates who believe in the Commission.

Commissioner Quinto said that Chief Leach told the panelists that the State Attorney General had just approved the Department's newest strategic plan. She said that the officers who were interviewed know the goals and strategy well and that those who she felt were some of the best candidates, had very good visions of how to implement of them. did have facts they didn't have before; didn't know if many knew she was a commissioner; she commended them for their honesty; most felt CPRC not needed because they felt IA was doing a sufficient job; some candidates stood out in that they said the officers need better training to deal with community; She said it was a good experience and recommended that other commissioners take advantage of the opportunity if it is ever presented to them.

Commissioner Percy asked Mr. Williams when the Commission was going to start looking at the 2005-2006 budget. He said it would be a good idea just to start identifying goals. Mr. Williams said that the supplemental budget was coming up in February, but that budget workshops would start in January. He said he would like to do an in-house exercise regarding what the Commission would do if it had unlimited funds. One of the things he said he would like to have is a PR person for outreach, but the reality is that next year's budget will be an up-date of the current one.

Commissioner Percy said would like to see if the Commission could have dialogue with RPD to start speaking to the Department on a more formalized basis, possibly speaking to recruits and do more than just speak at roll calls. He said that there is a need to reach the opinion makers and leaders in the Department. He suggested setting up a meeting with Chief Leach or Deputy Chief Dominguez in the next month or so to discuss this idea.

Commissioner Corral said she was excited that Measure II passed and thanked everyone for their help. She said there were lots of supporters and that the citizens of Riverside passed the measure.

Commissioner Davidson asked Commissioner Quinto if she felt the captain candidates had information about what had been handled in roll call. Commissioner Quinto said they did have facts they didn't have before. She also said she didn't know if many of them knew she was a CPRC commissioner. She said she commended them for their honesty because most felt that the CPRC is not needed because Internal Affairs is doing a sufficient job. She said that some candidates stood out in that they said the officers need better training to deal with community.

Commissioner Davidson also said he would like to put something together for the Commission to get together offsite to just socialize at least once a year, but preferably more often, so the commissioners could get to know each other on a more personal level. He said he had already talked to Mr. Williams about it.

Chairman Gardner commented on the memo Mr. Williams sent the commissioners regarding where the City Attorney is going with the subpoena issue. He said that he met with the Interim City Manager, Tom Evans, and explained the history of the CPRC, the Executive Director, and the City Manager's office. He said the Interim City Manager understands that City Manager's office doesn't direct the Commission as to what it does or doesn't do. Chairman Gardner said it was a positive meeting and that the Interim City Manager is supportive of recognizing and maintaining the CPRC's independence.

7) Public Comments

Mary Shelton spoke about the RPOA's suit against the city. She said that officers aren't asked to waive their 5th amendment rights because they are considered victims, not suspects.

Tammy McCoy, a reporter for the Press-Enterprise, asked for clarification of the instructions to Mr. Williams that he couldn't talk to the press but that commissioners could. Chairman Gardner said that those instructions were regarding the subpoena issue only. He said that the City Manager's Office wanted to be sure that statements made on behalf of the Commission came from the Commission.

8) Committee Reports

A) Outreach Committee – Commissioner Percy, Chair

Commissioner Percy reported that the Outreach Committee didn't meet due to the lack of a quorum. He said that the Commission would have to renew its outreach efforts to repair whatever damage had been created by the RPOA's anti-Measure II campaign. He said it is the Commission's job is to be the best bridge possible between the RPD and the community. He also said that if members of the Outreach Committee can't devote significant time to outreach, it needs to be discussed so they can get commissioners who can.

B) Budget Committee – Commissioner Garcia, Chair

Chairman Gardner noted that since Commissioner Garcia was absent, there would be no Budget Committee report.

C) Policy & Procedures Review Committee – Jack Brewer, Chair

Commissioner Brewer reported that the Policy and Procedures Review Committee hadn't met yet, but that each member was reviewing the RPD policy manual. He also said that he felt that Item 10 should have been given to the committee to explore the various options. He noted that he hasn't found many policies needing recommendations.

9) Discuss and Give Direction to CPRC Manager Regarding How to Handle Inquiries

Chairman Gardner said he feels that some cases defined as inquiries don't really meet that definition and that some cases that have been classified as inquiries really aren't. He asked that this issue be on the agenda for so the Commission could review how inquiries are handled.

Mr. Williams recalled that his direction was that if he concurred with Internal Affairs' finding of "Inquiry," that the Commission didn't even want to see it, but that if he didn't agree, the case would be sent back to Internal Affairs for investigation. He said that if Internal Affairs balks at investigating, he sends the case to the Commission and lets them send it back.

After some discussion, the Commission agreed that Mr. Williams should have the latitude to send an inquiry back to the Department, but that anything that needs to go to the City Manager's for a signature should be seen by the Commission first.

10) Discuss Policy Recommendation for RPD Policy and Procedure 4.60 – Audio Recording Policy

Mr. Williams said he contacted Chief Leach regarding updating of this policy. The Chief said that this policy was written by State Attorney General's office and that it was very specific in its wording and is part of the RPOA's MOU, so it can't just be changed. Mr. Williams said that when Joe Brann is in town, he would meet with him and the Chief to discuss the Commission's requests regarding the policy. He said he would hold off doing anything and report back after the meeting.

Chairman Gardner said that was that the Commission recommended that RPD Policy and Procedure 4.60 be modified so that all officer contact with citizens are recorded. He noted that it went to the Chief via the City Manager's office over 18 months ago without a response. He also said that at almost every meeting, the Commission sees a case where a definitive decision could have been made if there had been a recording. He said he would like to emphasize to the Chief that the recording would allow the Commission and Internal Affairs to fully and fairly review cases.

Commissioner Percy said he would hate to see this delayed, as Joe Brann isn't going to be around much longer. He said that the city is currently in negotiations with the RPOA for the next contract, so this issue needs to be put on table now. He said it should be highlighted that recorders are tools that are being under-utilized and for officers to use all the time is a no-cost solution that could possibly help save the city money by implementing the Commission's policy recommendation.

During the discussion, some of the commissioners expressed concern that a response hadn't been received and that it had taken so long for the Commission to react. Commissioners also expressed concern that policy was dependent on the MOU.

Mary Shelton said that she was concerned about the issue of the MOU and asked if only policies that come out of stipulated judgment are negotiated.

Chairman Gardner told staff that he would like to see Mr. Williams meet with Chief Leach and Mr. Brann as soon as possible. He also asked staff to get a copy of the RPOA's MOU with the city and to find out where the city is in its negotiations with the RPOA. He also asked that staff determine how many cases were reviewed where a definitive finding could have been made had there been a recording.

Commissioner Huerta said she felt the recommendation should be made again. Commissioner Percy agreed, but said the rationale should be "beefed up" to make the recommendation more persuasive. Commissioner Brewer said that the Policy Review Committee could handle this situation.

11) Volne Stokes Officer-Involved Death Case

Chairman Gardner advised the Commission that there were no new developments in this case.

Mary Shelton said that she understood that the Chief said he was going to discipline Officer Banfill-Gould for not speaking to the Commission. Ms. Shelton said that she read Officer Banfill-Gould's deposition in the RPOA's lawsuit. In this deposition, she said that she was ordered to go to Internal Affairs, with her attorney, to give a statement. Ms. Shelton said she was concerned that the public will never really know what happened. Ms. Shelton also said she wasn't sure that the City Council would want to go forward with the subpoena issue.

12) Rene Guevara Officer-Involved Death Case

Chairman Gardner asked if any suggestions had been made to staff regarding the draft public report. Mr. Williams said that some changes had been made and that the commissioners would be given revised copies.

Commissioner Ward said that a statement should be included in the report that it is an effort to give the public a statement, but that it is not necessarily the view of all the commissioners. He also said that the tactical decisions made by officers increases the need to use deadly force.

Commissioner Brewer said he felt the CPRC investigator did a very thorough job and wrote a very professional report.

Chairman Gardner asked that any other suggestions regarding the draft public report be given to staff within the next week as a decision to adopt the report needed to be made.

The Commission adjourned at 7:21 p.m.

Respectfully submitted,

A handwritten signature in red ink that reads "Phoebe Sherron". The signature is written in a cursive style and is positioned above a horizontal line.

PHOEBE SHERRON
Sr. Office Specialist